

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANDREW GALATTE)	
)	
PLAINTIFF,)	
)	
)	NO.
)	
OFFICER ALLEN SOUCIE, CITY)	
OF BRAIDWOOD,)	
)	
DEFENDANTS)	

COMPLAINT

NOW COMES plaintiff, ANDREW GALATTE, by his counsel, ETTINGER, BESBEKOS & SCHROEDER, and complains against defendants, OFFICER ALLEN SOUCIE and the CITY OF BRAIDWOOD, as follows:

Jurisdiction and Venue

1. This action is brought pursuant to 42 U.S.C. 1983 and state law, to redress serious injuries inflicted on the plaintiff by the defendant, when he unlawfully arrested the plaintiff and used excessive force to effectuate that arrest. While the defendant was unlawfully arresting the plaintiff, he tightened the handcuffs on the plaintiff's wrist and twisted them causing the plaintiff to suffer a contused and strained radioulnar joint in the left wrist. Specifically, the plaintiff has been diagnosed with distal radioulnar joint instability. The plaintiff is being treated by an orthopedic surgeon and if the current therapy is unsuccessful he will likely need surgery. The defendant's actions violated the plaintiff's rights under the Fourth and

Fourteenth Amendments to the United States Constitution, and committed state law torts.

2. This court has jurisdiction over the federal claims pursuant to 28 U.S.C. 1331, and has supplemental jurisdiction over the state law claims under 28 U.S.C. 1337.
3. Venue is proper in this court under 28 U.S.C. 1331 (b) , in that all parties reside in this judicial district and all the events giving rise to the claims asserted herein occurred within this district.
4. Defendant City of Braidwood is an Illinois municipal corporation. Plaintiff invokes the supplemental jurisdiction of this court to assert an indemnification claim against the City under 745 ILCS 10/9-102. Plaintiff does not assert any federal claim against the city.

Facts of the Unlawful Arrest and Excessive Force

5. The plaintiff is a 65 year old retiree who is an ex-administrator of the City of Braidwood. He has been very vocal in his criticism of the Braidwood Police Department and in particular, the defendant, Officer Allen Soucie.
6. On August 24, 2011, the plaintiff was having dinner at The Corner Keg in the City of Braidwood with his wife and two friends Robert Jones and Melissa Ritzi.
7. At approximately 12:00 a.m., Officer Soucie and Officer Yeats entered The Corner Keg and asked Robert Jones and Melissa Ritzi to step outside.

8. Robert Jones and Melissa Ritzi exited the Bar and Melissa returned a short time later and indicated that Officer Soucie was arresting them. The plaintiff then exited the bar to see if Robert Jones needed bond money
9. The plaintiff exited The Corner Keg and stood approximately thirty to forty feet from Robert Jones and Officer Soucie and asked Robert Jones if he needed bond money.
10. Officer Soucie then rushed at the plaintiff and using expletives told him to get back in the bar. The plaintiff turned to return to the bar and his phone rang which he answered. Officer Soucie told him to get off the phone and when the plaintiff continued to talk he lunged at him and knocked the phone out of his hand and in doing so hit him in the face
11. The defendant then grabbed the plaintiff and began to unlawfully arrest him by grabbing his left wrist and twisting and wrenching it. Officer Soucie then attempted to arrest the plaintiff and when the handcuffs fell on the ground he put his hand on his taser indicating he was going to tase the plaintiff. The plaintiff then ask Officer Yeates of the Braidwood Police Department to handcuff him which Officer Yeates did.
12. Officer Soucie then walked the plaintiff to his squad and repeatedly twisted the handcuff to tighten them on the plaintiff's wrist. The plaintiff repeatedly asked Officer Soucie to loosen the handcuffs as he was in excruciating pain. Officer Soucie repeatedly refused to loosen the plaintiff's handcuffs causing serious injury to the plaintiff's wrist.

13. Upon being released from the Braidwood Police Department, the plaintiff, went directly to Morris Hospital where he was treated for left shoulder and wrist pain, numbness in his fingers and shooting pain up his left arm.
14. The plaintiff is currently being treated by an orthopedic surgeon for distal radioulnar instability in the left wrist. If the current treatment is unsuccessful he will need surgery.

Count 1 – 42 U.S.C. 1983

Unlawful Arrest – Officer Jerry Soucie

15. Plaintiff realleges paragraph 1-14 and incorporates them by reference as if fully set forth herein.
16. The conduct of defendant Officer Allen Soucie constituted unlawful arrest in violation of the plaintiff's rights under the Fourth and Fourteenth Amendments of the United States Constitution.
17. The acts of defendant Officer Allen Soucie were committed under color of law within the scope of his employment with the City of Braidwood.
18. As a proximate result of the actions of the defendant Officer Allen Soucie, plaintiff suffered permanent physical and emotional injuries, pain and suffering, humiliation, disability, and medical expenses and will continue to suffer such damages in the future

Count II – 42 U.S.C.. 1983

Excessive Force –Officer Allen Soucie

19. Plaintiff realleges paragraph 1-14 and incorporates them by reference as if fully set forth herein.

20. The conduct of defendant Officer Allen Soucie constituted excessive force in violation of the plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution.
21. The acts of the defendant Officer Allen Soucie were committed under color of law and within the scope of his employment with the City of Braidwood.
22. As a proximate result of the actions of the defendant Officer Allen Soucie, plaintiff suffered permanent physical and emotional injuries, pain and suffering, humiliation, disability, and medical expenses and will continue to suffer such damages in the future.

Count III – State Law

Assault/Battery – Officer Allen Soucie

23. Plaintiff realleges paragraphs 1-14 and incorporates them by reference as if fully set forth herein.
24. The actions of the defendant Officer Allen Soucie constituted harmful physical contact with the plaintiff
25. The actions of Officer Allen Soucie were willful and wanton.
26. As a proximate result of the actions of the defendant Officer Allen Soucie, plaintiff suffered permanent physical and emotional injuries, pain and suffering, humiliation, disability, and medical expenses and will continue to suffer such damages in the future.

Count IV – State Law

Respondent Superior – Braidwood

25. Plaintiff realleges paragraphs 1-14, and incorporates them by reference as if fully set forth herein.
39. Defendant Officer Allen Soucie was acting as an agent of the City of Braidwood and within the scope of his employment with the City of Braidwood at all relevant times.
40. The City of Braidwood is liable for the torts committed by its agent, defendant Officer Allen Soucie, in the scope of his employment.

Count V – 745 ILCS 10/9-102

Indemnification

41. Plaintiff realleges paragraph 1-14, and incorporates them by reference as if fully set forth herein.
42. Defendant Officer Allen Soucie was acting as an agent of defendant the City of Braidwood and within the scope of his employment with the City of Braidwood at all relevant times. As such, the City of Braidwood is required to provide indemnification for liability resulting from his tortious conduct.

WHEREFORE, plaintiff ANDREW GALATTE, respectfully requests that this Court enter judgment in his favor and against the defendants, and award compensatory damages and attorney's fees against, OFFICER ALLEN SOUCIE, and THE CITY OF BRAIDWOOD, and punitive damages against defendant, OFFICER ALLEN SOUCIE.

JURY DEMAND

Plaintiff, ANDREW GALATTE, hereby demands a trial by jury pursuant to Federal Rules of Civil Procedure 38 (b) on all issues so triable.

Respectfully submitted,

/s/ Cheryl A. Schroeder
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